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12/09/2003

Mohan Krishnan

279.650US1

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7590

06/13/2008

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EXAMINER

STOKLOSA, JOSEPH A

ART UNIT

PAPER NUMBER

3762

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7, 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helland et al. (UUS 5,318,572).

3. Helland discloses a lead body extending from a proximal to distal end with an electrode (e.g. Fig. 1). Helland discloses the lead body and electrode being comprised of known biologically inert anti-thrombogenic biocompatible materials (e.g. Col. 4, lines 8-10, Col. 3, lines 31-33). Helland discloses that the lead and electrode have a textured surface for facilitating tissue in-growth and a layer of blood cells (e.g. Col. 6, line 16) that is coated with titanium microspheres having a diameter of between 75-100 gm (e.g., column 5, lines 62 -66; column 10, lines 19-20) and are dimensioned to attract circulating blood cells (claims 7, 15 and 18) and trap blood cells (claim 12) (column 5, lines 8-22; column 6, lines 14-17).

4. Helland fails to teach the use of an additional ring electrode or the electrode being a ring electrode. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Helland with a ring electrode since such a modification is well known in the medical art for providing

the predictable results of providing bi-polar pacing with the tip electrode, pacing multiple sites, or with only a ring electrode minimizing thrombosis by not having the ring electrode contacting the vessel wall.

5. With regard to claim 9, Helland does not disclose eluting a substance to prevent clotting.

6. With regard to claim 10, Helland discloses the lead to be connected to a pacing system which Examiner considers pacing to be a form of cardiac resynchronization.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 5, 7, 9-18 have been considered but are moot in view of the new ground(s) of rejection.

8.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Helland et al. (US 4,033,357) disclose a non-thrombogenic lead with a tip and ring electrode.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH STOKLOSA whose telephone number is (571)272-1213. The examiner can normally be reached on Monday-Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George R Evanisko/
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Examiner
Art Unit 3762

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6/3/2008